

1 Craig A. Hansen (SBN 209622)  
2 Email: [craig@hansenlawfirm.net](mailto:craig@hansenlawfirm.net)  
3 Stephen C. Holmes (SBN 200727)  
4 Email: [steve@hansenlawfirm.net](mailto:steve@hansenlawfirm.net)  
5 Philip E. Yeager (SBN 265939)  
6 Email: [phil@hansenlawfirm.net](mailto:phil@hansenlawfirm.net)  
7 Collin D. Greene (SBN 326548)  
8 Email: [collin@hansenlawfirm.net](mailto:collin@hansenlawfirm.net)  
HANSEN LAW FIRM, P.C.  
75 E. Santa Clara Street, Suite 1250  
San Jose, CA 95113-1837  
Telephone: (408) 715 7980  
Facsimile: (408) 715 7001

Jingjing Ye (Admitted Pro Hac Vice)  
Email: [yelaw@pm.me](mailto:yelaw@pm.me)  
YE & ASSOCIATES, PLLC  
3400 N. Central Expy, #500  
Plano, TX 75080  
Telephone (469) 410-5232

Attorneys for Defendants Temujin Labs, Inc.,  
Lily Chao, and Damien Ding

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

ARIEL ABITTAN

PLAINTIFF,

v.

LILY CHAO (a/k/a TIFFANY CHEN, a/k/a  
YUTING CHEN), DAMIEN DING (a/k/a  
DAMON LEUNG, a/k/a DAMIEN RAY  
DONOVAN, a/k/a TAO DING), YUTING  
CHEN, TEMUJIN LABS INC. (a Cayman  
Islands corporation), and Does 1-100,  
inclusive,

DEFENDANTS.

Case No.: 5:20-CV-09340-NC

**[PROPOSED] ORDER GRANTING  
TEMUJIN LABS INC., A CAYMAN  
ISLANDS CORPORATION'S, LILY  
CHAO'S, AND DAMIEN DING'S  
MOTION TO STRIKE PORTIONS OF  
PLAINTIFF'S AMENDED COMPLAINT**

Date: September 28, 2022  
Time: 1:00 p.m.  
Place: Courtroom 5, 4th Floor  
Judge: Hon. Nathanael Cousins

1       The motion of Temujin Labs, Inc., a Cayman Islands Corporation (“Temujin Cayman”), Lily  
2 Chao, and Damien Ding (collectively “Defendants”) to strike portions of Plaintiff’s Amended  
3 Complaint came for hearing before the Court on September 28, 2022. The parties were represented  
4 by their respective counsel of record.

5       After considering the papers submitted by the parties and the arguments of counsel, the Court  
6 orders that the addition of Yuting Chen as a defendant party is stricken from the Amended  
7 Complaint.

8       The Court also orders that the following causes of action are stricken from the Amended  
9 Complaint:

10       Count 1 – Declaratory Judgment against Temujin Cayman, Chao, Ding, and Chen;  
11       Count 2 – Breach of Partnership against Chao and Ding;  
12       Count 3 – Breach of Partnership against Temujin Cayman, Chao and Ding;  
13       Count 4 – Breach of Fiduciary Duty against Ding;  
14       Count 6 – Aiding and Abetting Breach of Fiduciary Duty against Chen;  
15       Count 7 – Breach of Fiduciary Duty against Ding and Temujin Cayman;  
16       Count 10 – Conversion against Chen;  
17       Count 13 – Breach of Contract against Temujin Cayman;  
18       Count 19 – Unjust Enrichment against Chen; and  
19       Count 22 – Accounting against Chen.

20       The court further orders that Plaintiff shall file a corrected Amended Complaint within 7 days  
21 of this Order.

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1 Finally, the Court reiterates its order of May 20, 2022 that no additional parties or causes of  
2 action shall be added without advance leave of Court.

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4 **IT IS SO ORDERED.**

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6 DATED: \_\_\_\_\_

7 \_\_\_\_\_  
The Honorable Judge Nathanael Cousins  
United States Magistrate Judge

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